

approval. The Committee members are handlers and producers of Florida citrus. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate appropriate budgets. The budget is formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee is derived by dividing anticipated expenses by the expected cartons ( $\frac{4}{5}$  bushels) of fruit shipped. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Committee's expected expenses. The annual budget and assessment rate are usually recommended by the Committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the Committee will have funds to pay its expenses.

The Committee met May 23, 1995, and unanimously recommended expenses of \$215,000 for the 1995-96 fiscal year, with an assessment rate of \$0.00325 per  $\frac{4}{5}$  bushel carton of fresh fruit shipped.

In comparison, 1994-95 budget expenses were \$210,000 with an approved assessment of \$0.003. Thus, for the 1995-96 fiscal year, expenses are being increased \$5,000 and the assessment rate is being increased \$0.00025 from the levels established in 1994-95.

The assessment rate, when applied to anticipated shipments of 66,000,000 cartons of assessable fruit, will yield a total of \$214,500 in assessment income. Interest income for 1995-96 is estimated at \$3,500. Income will be adequate to cover budgeted expenses. Funds in the reserve at the end of the 1995-96 fiscal year, estimated at \$100,000, will be within the maximum permitted by the order of approximately one-half of one fiscal year's expenses.

Major expense categories for the 1995-96 fiscal year include \$101,740 for salaries, \$36,000 for the Manifest Department, and \$13,350 for insurance and bonds.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has

determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1995-96 fiscal year begins on August 1, 1995, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable oranges, grapefruit, tangerines, and tangelos handled during the fiscal year; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

#### **List of Subjects in 7 CFR Part 905**

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

#### **PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA**

1. The authority citation for 7 CFR part 905 continues to read as follows:

**Authority:** 7 U.S.C. 601-674.

**Note:** This section will not appear in the Code of Federal Regulations.

2. A new § 905.234 is added to read as follows:

#### **§ 905.234 Expenses and assessment rate.**

Expenses of \$215,000 by the Citrus Administrative Committee are authorized and an assessment rate of \$0.00325 per  $\frac{4}{5}$  bushel carton of assessable fruit is established for the fiscal year ending July 31, 1996. Any unexpended funds may be carried over as a reserve.

Dated: June 22, 1995.

**Sharon Bomer Lauritsen,**

*Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 95-15859 Filed 6-27-95; 8:45 am]

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### **Consolidated Farm Service Agency**

#### **7 CFR Parts 718, 790, and 791**

#### **Commodity Credit Corporation**

#### **7 CFR Parts 1413, 1414, 1415, and 1416**

**RIN 0560-AD 72, AD00**

#### **1994 Wheat, Feed Grains, Cotton and Rice Programs**

**AGENCIES:** Consolidated Farm Service Agency and Commodity Credit Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** The statutory requirements that relate to the feed grains, rice, upland and extra long staple cotton, and wheat programs were amended by the Agricultural Reconciliation Act of 1993 (the 1993 Act). An interim rule was published on November 16, 1994, (59 FR 59280) to set forth changes necessary to implement these provisions. Accordingly, this rule adopts the interim rule as final.

**EFFECTIVE DATE:** June 28, 1995.

**FOR FURTHER INFORMATION CONTACT:** Bruce D. Hiatt, Agricultural Program Specialist, CFSA, USDA, P.O. Box 2415, Washington, DC 20013-2415, telephone 202-690-2798.

#### **SUPPLEMENTARY INFORMATION:**

#### **Executive Order 12866**

This rule has been determined to be not-significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

#### **Final Regulatory Impact Analyses**

Final Regulatory Impact Analyses were prepared with respect to the programs for the 1994 crops of wheat, feed grains, cotton, and rice. Copies of the analyses are available to the public from Tom Witzig, CFSA-USDA, Room 3741, South Agriculture Building, 14th and Independence, P.O. Box 2415, Washington, DC 20013-2415.

#### **Federal Assistance Numbers**

The titles and numbers of the Federal assistance programs, as found in the Catalog of Federal Domestic Assistance, to which this final rule applies are Cotton Production Stabilization—10.052; Feed Grain Production Stabilization—10.055; Wheat

Production Stabilization—10.058; and Rice Production Program—10.065.

### Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since neither the Consolidated Farm Service Agency (CFSA) nor Commodity Credit Corporation (CCC) is required by 5 U.S.C. 553 or any other provision of the law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

### Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

### Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of this final rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. The provisions of this rule are not retroactive. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies at 7 CFR part 780 must be exhausted.

### Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

### Paperwork Reduction Act

The information collection requirements contained in these regulations have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35, and assigned OMB No. 0560-0004 and 0560-0092.

### Background

The interim rule published on November 16, 1994 set forth amendments: to conform to the provisions of the 1993 Act; to make certain technical corrections; to delete references to obsolete provisions; to add references relating to current policy, to set forth the provisions for the Options Pilot Program (OPP) and Voluntary Production Limitation Program (VPLP); and to improve the operations of these

programs through the 1994 through 1997 crop years.

### Discussion of Comments

No comments were received relevant to the publication of the interim regulation published on November 16, 1994. Agency review of the interim rule revealed that 7 CFR 1413.49 had been inadvertently left out of the interim rule.

### List of Subjects in 7 CFR Part 1413

Acreage allotments, Appeals, Feed grains, Price support programs, Reporting and recordkeeping requirements, Soil conservation.

Accordingly, under the authority of 7 U.S.C. 1308, 1308a, 1309, 1441-2, 1444-2, 1444f, 1445b-3a, 1461-1469; 15 U.S.C. 714b and 714c, the interim rule amending 7 CFR parts 718, 790, 791, 1413, 1414, 1415, and 1416 which was published at 59 FR 59280 on November 16, 1994, is adopted as a final rule with the following change:

### PART 1413—FEED GRAIN, RICE, UPLAND AND EXTRA LONG STAPLE COTTON, WHEAT AND RELATED PROGRAMS

1. The authority for part 1413 continues to read as follows:

**Authority:** 7 U.S.C. 1308, 1308a, 1309, 1441-2, 1444-2, 1444f, 1445-b-3a, 1461-1469, 15 U.S.C. 714b, and 714c.

2. Subpart H is amended by adding a new § 1413.49 to read as follows:

### Subpart H—Program Agreement and Enrollment Provisions

#### § 1413.49 Nature of agreement.

(a) The agreement shall provide that the operator and each producer on the farm shall agree to limit the acreage of the crop planted for harvest and devote an eligible acreage of land to approved conservation uses as may be required by the commodity program for the crop as announced by the Secretary and as provided in this part. The agreement shall provide for recording the shares for division of payments for the crop. The operator shall agree to file timely a report of acreage on Form ASCS-578 accurately listing the ACR and the acreage of the program crop(s) planted for harvest on the farm, and such other acreages as are subject to the terms and conditions of the agreement.

(b) CCC shall agree that harvested production of the crop shall be eligible for loans and purchases in accordance with parts 1421 and 1427 of this chapter. CCC shall also agree that deficiency payments, if it is determined that a final deficiency payment will be greater than zero, and any applicable

diversion payments shall be made to such operator and producers.

(c) The agreement shall contain such other provisions as CCC determines appropriate to carry out programs established by this part.

(d) The agreement shall provide for the payment of liquidated damages in the event that the operator or any other producers fail to comply with their obligations under the agreement. The purpose of an acreage reduction, or land diversion program is to obtain a reduction of acreage from the production of the applicable crops of commodities in order to adjust the total national acreage of such commodities to desirable goals. Once an agreement has been entered into between CCC and producers, USDA, and other segments of the agricultural community act based upon the assumption that the agreement will be fulfilled and the reduction in acreage will be obtained. The actions of CCC include budgeting and planning for programs in subsequent crop years. A producer's failure to comply with an agreement undermines the basis for these actions, damages the credibility of USDA's programs with other segments of the agricultural community, and requires additional expenditures in subsequent crop years to offset the effect of the increased production in the current crop year. While the adverse effects on CCC of the producer's failure to comply with an agreement are obvious, it would be impossible to compute the actual damages suffered by CCC.

(e) Producers who elect to rescind an agreement to participate in an annual program, or producers who violate an agreement, and the COC makes no determination of good faith, must pay liquidated damages to CCC as provided in the CCC-477. Such producers shall be considered as nonparticipating in the acreage reduction program established for such crop.

(f) If a producer violates the provisions of this part or the CCC-477, and the COC determines a good faith effort was made to comply, standard payment reductions will apply. The reduction will be calculated as the difference between the reported and determined acreage of the crop, multiplied by the program payment yield, multiplied by 50 percent of the established price for the crop.

\* \* \* \* \*

Signed in Washington, DC on June 18, 1995.

**Bruce R. Weber,**

*Acting Administrator, Consolidated Farm Service Agency, and Acting Executive Vice-President, Commodity Credit Corporation.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 23

[Docket No. 125CE, Special Condition 23-ACE-81]

#### Special Conditions; Twin Commander Model 695 Airplane

**AGENCY** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final special conditions; request for comments.

**SUMMARY:** These special conditions are issued for the Twin Commander Model 695 airplane modified by Garrett Aviation Services, Augusta, Georgia. This airplane will have novel and unusual design features when compared to the state of technology envisaged in the applicable airworthiness standards. These novel and unusual design features include the installation of electronic displays for which the applicable regulations do not contain adequate or appropriate airworthiness standards for the protection of these systems from the effects of high intensity radiated fields (HIRF). These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to the airworthiness standards applicable to these airplanes.

**EFFECTIVE DATE:** The effective date of these special conditions is June 28, 1995. Comments must be received on or before July 28, 1995.

**ADDRESSES:** Comments may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, ACE-7, Attention: Rules Docket Clerk, Docket No. 125CE, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 125CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Ervin Dvorak, Aerospace Engineer, Standards Office (ACE-110), Small Airplane Directorate, Aircraft Certification Service, Federal Aviation

Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426-6941.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety, and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on these special conditions.

Interested persons are invited to submit such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and special conditions number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These special conditions may be changed in light of the comments received. All comments submitted will be available in the rules docket for examination by interested parties, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments, submitted in response to this request, must include a self-addressed and stamped postcard on which the following statement is made: "Comments to Docket No. 125CE." The postcard will be date stamped and returned to the commenter.

##### Background

On October 31, 1994, Garrett Aviation Services, 1550 Hangar Road, Augusta, Georgia 30906, made an application to the FAA for a supplemental type certificate (STC) for the Twin Commander Model 695 airplane. The proposed modification incorporates a novel or unusual design feature, such as digital avionics consisting of an electronic flight instrument system (EFIS), that is vulnerable to HIRF external to the airplane.

##### Type Certification Basis

The type certification basis for the Twin Commander Model 695 Airplane is given in Type Certification Data Sheet No. 2A4 plus the following:

§ 23.1301 of Amendment 23-20; §§ 23.1309, 23.1311, and 23.1321 of Amendment 23-41 and § 23.1322 of Amendment 23-43; exemptions, if any; and the special conditions adopted by this remaking action.

##### Discussion

The FAA may issue and amend special conditions, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards, designated according to § 21.101(b), do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations. Special conditions are normally issued according to § 11.49, after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and become a part of the type certification basis in accordance with § 21.101(b)(2).

Garrett Aviation Services, plans to incorporate certain novel and unusual design features into an airplane for which the airworthiness standards do not contain adequate or appropriate safety standards for protection from the effects of HIRF. These features include electronic systems, which are susceptible to the HIRF environment, that were not envisaged by the existing regulations for this type of airplane.

**Protection of Systems From High Intensity Radiated Fields (HIRF):** Recent advances in technology have given rise to the application in aircraft designs of advanced electrical and electronic systems that perform functions required for continued safe flight and landing. Due to the use of sensitive solid state advanced components in analog and digital electronics circuits, these advanced systems are readily responsive to the transient effects of induced electrical current and voltage caused by the HIRF. The HIRF can degrade electronic systems performance by damaging components or upsetting system functions.

Furthermore, the HIRF environment has undergone a transformation that was not foreseen when the current requirements were developed. Higher energy levels are radiated from transmitters that are used for radar, radio, and television. Also, the number of transmitters has increased significantly. There is also uncertainty concerning the effectiveness of airframe shielding for HIRF. Furthermore, coupling to cockpit-installed equipment through the cockpit window apertures is undefined.

The combined effect of the technological advances in airplane design and the changing environment has resulted in an increased level of vulnerability of electrical and electronic systems required for the continued safe